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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/735,002	12/12/2000	Michael D. Bullock	Y00-044	3382

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EXAMINER

DUONG, THANH P

ART UNIT

PAPER NUMBER

3711

DATE MAILED: 01/14/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/735,002

Applicant(s)

BULLOCK ET AL.

Examiner

Tom P Duong

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 November 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1, 2, 4, 5, 6, 9, 10, 12, 13, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith (3,489,415) in view of Hawkins, Sr. (5,135,228). With respect to claims 1,2, 4, 5, 6, 9, 12, 13, and 14, Smith shows a practice putter (10) comprising a shaft (12); a putter head disposed at the lower end of the shaft. Smith discloses that the body has an exposed ball engaging face of generally trapezoidal shape in section having a narrow base or "correct" ball engaging base face portion 24 and sloping side face portions 25 and 26 on opposite sides of the "correct" face portion, the side face portions intersecting the base face portion at obtuse angles thereto. Thus, it appears that the body having a front surface with a relatively small, centrally-located flat ball contact surface that comprises a sweet spot of the putter head. Furthermore, Hawkins, Sr. discloses practice club having a head or ball-hitting surface which is much smaller than a conventional golf club, such as either surface having a width of about 3.5 cm (1.4 in.) or less or even about 1.5 cm (0.6 in.) or less or a convex surface having a radius of less than about 1.25 cm (0.5 in.) or even about 0.8 cm (0.3in.) or less.

(Abstract) . Hawkins discloses that it has been observed that merely learning to hit even a small percentage of the small practice balls in any reasonable forward direction is a sufficient learning of skills to provide a significant improvement in the player's actual golf game. (Col. 4, lines 25-41). The theory on which this approach was based, was that if a player could learn, through enough practice, to consistently hit the small ball with the small, sweet spot-size head face or hitting surface on the practice club, then that player would find it comparatively easy to consistently hit a regular size golf ball with the sweet spot of a regular golf club. (Col. 4, lines 8-14). Thus, it would have been obvious in view of Hawkins, Jr. to one having ordinary skill in the art at the time of the invention was made to modify the golf putter of Smith to include the a small head or ball-hitting surface of Hawkins, Jr. in order to allow a golfer to practice hitting the ball with a small hitting surface so a golfer can improve his or her game as taught by the theory above. *With respect to "single, solid, and unitary body", it would have been obvious to one having ordinary skill in the art at the time the invention was made to either fabricate the front surface with a relatively small, centrally-located, and flat sweet spot as an attachment or as an integral piece of the practice putter head, since it has been held that forming one piece an article which has formerly been formed in two pieces and put together involves only routine skill in the art. Howard v. Detroit Stove Works, 150 U.S. 164 (1893) and Nerwin v. Erlichman, 168 USPQ 177, 179.* With respect to claims 6 and 14, Smith discloses the sloping face portions 25 and 26 drive the golf ball on a course sharply angled away from the correct course so that it will be immediately apparent if the putter swing is incorrect. Hawkins, Jr. shows a convex ball-hitting surface or a curved front

surface. (Col. 6, lines 1-9). At the time of the invention was made, it would have been an obvious matter of design choice to a person of ordinary skill in the art to modify the slope face portions of Smith with a convex or curved ball-hitting surface as taught by Hawkins, Jr. since the structure of both faces will cause the ball to angled the ball away from the correct course if the putter swing is incorrect. In addition, the lateral portions of the front surface is not the sweet spot or the desirable hitting surface; thus, the exact shape or configuration is not critical just as long as these lateral portions divert the ball away from a straight path.

2. Claims 7 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over the prior arts as applied in claims 1, 2, 4, 5, 6, and 9, and further in view of Kelly (6,402,638) and Prueter (4,121,833). The prior arts show a shaft is formed with the practice putter head but does not appear to show a shaft can be inserted into the practice putter head. However, Kelly shows a practice putter (Figs. 1 and 2) with a top surface 30 having a thick lateral ends with a hole 40 to receive an end of the shaft 18. Prueter also shows (Figs. 17-22) a golf club with a top surface 54 having a thick lateral bases 55 and 56 with a shaft 48 inserted into a bore 51. Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention was made to modify the practice putter of the prior arts to include a flat base with thick lateral ends that has an opening to receive a shaft as taught by Kelly and Prueter in order to allow a golfer to facilitate the replacement of different shafts.

3. Claims 7 and 15 are rejected under 35 U.S.C. 103 (a) as being unpatentable over the references as applied in claims 1, 4, 5, 6, and 9, and further in view of Swash (D234,962). The prior arts show a shaft is formed with the practice putter head but does not appear to show a shaft can be inserted into the practice putter head. Swash teaches that the lateral end has an opening (See Figs. 2 and 3). Thus, it would have been obvious in view of Swash to one having ordinary skill in the art to modify the practice putters of prior arts to include openings at the lateral ends as taught by Swash. One would have been motivated to do so to have a putter for either right or left-handed golfer.

4. Claims 3, 8, 11, and 16 are rejected under 35 U.S.C. 103 (a) as being unpatentable over the references as applied in claims 1, 4, 5, 6, and 9, and further in view of Hsu (5,388,832). With respect to claims 3 and 11, the prior arts do show a shaft has an offset; however Hsu shows a shaft 10 that has an offset and is inserted into the neck 16. It is well-known in the art such offset allows the golfer a full symmetrical view of the head of the putter and facilitates proper alignment of the ball and putter with the hole. Also, it forces the hands of the golfer ahead of the putter head, thus forcing a pulling action by the golfer's hands through the ball to provide improved directional control. Thus, it would have been obvious in view of one having ordinary skill in the art to modify the shaft of the prior arts to have an offset as taught by Hsu in order to allow the golfer a full symmetrical view of the head of the putter and facilitates proper alignment of the ball and putter with the hole. With respect to claims 8 and 16, the prior arts do not show a cavity on the rear portion; however, it would have been obvious to

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one having ordinary skill in the art such cavity reduces the overall weight of the practice putter. Other prior arts also shows such cavity in the rear portion allows golf manufactures to mount other devices onto the cavity for other purposes such as guiding aid structure or adjustable weight. Hsu shows a practice golf putter on Figure 1 having a curved plate 20 having a cavity to allow the socket 40 to be mounted onto this cavity. This socket 40 structure consists of electrical components that emits laser beam to project the hole precisely thus aiding the user to putt the golf ball. The user can gain confidence in putting a ball by means of this practice-type golf putter. Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the practice putter of the prior arts to have a cavity as taught by Hsu to allow a guiding aid structure to be mounted onto the cavity. Also, this cavity can receive other structure such as adjustable weight, which is known in the art.

Response to Arguments

Applicant's arguments filed 11/6/02 have been fully considered but they are not persuasive. Smith 415' in view of Hawkins, Sr. 228' clearly show a practice putter where a conventional putter is converted into a practice putter. Such feature is desirable because the user does not have to carry two separate putters, a conventional putter and a practice putter similar to the Applicant's invention. Thus, Smith in view of Hawkins, Sr. invention's clearly came up a novel idea of converting a conventional putter into a practice putter with a practice attachment, which allows a user to carry one putter and its practice attachment.

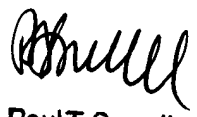
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tom P Duong whose telephone number is (703) 305-4559. The examiner can normally be reached on 8:00AM - 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Sewell can be reached on (703) 308-2126. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7768 for regular communications and (703) 305-3579 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-4148.

Tom Duong
January 10, 2003


Paul T. Sewell
Supervisory Patent Examiner
Group 3700